



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

September 2, 2008

Reply to  
Attn. of: ETPA-088

Ref: 84-110-FWS

Rob Campellone, Planning Team Leader  
U.S. Fish and Wildlife Service  
1011 E. Tudor Road, MS-231  
Anchorage, AK 99503

Dear Mr. Campellone:

EPA has reviewed the **Draft Revised Comprehensive Conservation Plan (Plan) and Environmental Impact Statement (EIS) for the Kenai National Wildlife Refuge** (CEQ No. 20080215). Our comments are provided in accordance with our responsibilities and authorities under Clean Air Act §309 and the National Environmental Policy Act (NEPA).

The Kenai National Wildlife Refuge (Refuge) planning area encompasses 1.98 million acres in Southcentral Alaska. The Draft Plan/EIS describes five (5) alternatives for revising the Plan that will be used to manage the Refuge and assess the effects of implementing each of the options that guide the direction for the next 15 years. Alternative A (No Action Alternative) describes the current and future management of the Refuge assuming present actions and initiatives are carried forward. Alternative A includes five (5) management categories – Intensive, Moderate, Traditional, Minimal, and Wilderness. Alternatives B, C, D, and E would eliminate the Traditional management category. Alternative E as the agency preferred alternative.

Based on our review of the Kenai National Wildlife Refuge Draft EIS, EPA assigned a rating of “LO” (Lack of Objections). Our review concludes that the proposed plan and EIS will provide a good foundation for future planning actions that will be critical to the long term management of the refuge, such as transportation planning, and oil and gas infrastructure decommissioning. We also find that additional detail should be included in the final EIS regarding efforts around tribal consultation and environmental justice. Each of these recommendations is detailed in the enclosed written comments. A copy of EPA’s rating system criteria used in conducting our environmental review can be found at: <http://www.epa.gov/Compliance/nepa/comments/ratings.html>. This rating and a summary of our comments will be published in the *Federal Register*.

EPA appreciates the opportunity to review and provide comments on the Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement for the Kenai National Wildlife Refuge. If you have any questions regarding this letter, please do not hesitate to contact Mark Jen in the EPA Alaska Operations Office in Anchorage at (907) 271-3411 or [jen.mark@epa.gov](mailto:jen.mark@epa.gov).

Sincerely,

/s/

Christine Reichgott, Manager  
NEPA Review Unit

Enclosure

## **EPA Region 10 Comments on the Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement for the Kenai National Wildlife Refuge**

### **Transportation Planning**

A number of significant issues were identified for consideration in the Draft Plan/EIS. Many of these issues included public use and access (motorized vs. non-motorized) to the Refuge and the facilities, large scale habitat changes, and the need to balance protection of resources and visitor experience. Public access and use of the Refuge has grown substantially since the development of the 1985 Plan and has affected the natural resources and visitor experiences. In particular, access to the Refuge has expanded due to the development of motorized and non-motorized roads/trails, winter trails for snow machines, and access for aircraft related activities. The Draft Plan/EIS indicates that there are more than 650 miles of State-maintained roads in the Kenai Peninsula Borough and more than 100 miles of maintained roads within the Refuge boundary. In particular, the Alaska Department of Transportation and Public Facilities (ADOT&PF) and the U.S. Forest Service (USFS) are evaluating the Sterling Highway MP 45 to 60 project to consider additional road access through the Chugach National Forest and the Kenai National Wildlife Refuge. With the potential for future highway expansion and increased public access, a Transportation Plan for the Refuge would be beneficial to minimize potential conflicts between the competing uses and resource protection.

*Recommendation.* As a future step down plan, EPA recommends that the USFWS commit to developing a Transportation Plan for the Kenai National Wildlife Refuge. A transportation plan would provide management direction for how public access to the refuge would be provided, general areas where future roads, trails, and public facilities would be provided and/or decommissioned, areas where aircraft and snowmachine access would be allowed and would not conflict with other uses, and natural areas that would be protected. This plan should be consistent with other transportation efforts at the local, state, and federal levels.

### **Oil and Gas Infrastructure**

The Draft Plan/EIS indicates that oil and gas activities have occurred on the Refuge since 1957. Presently, there are 13,252 acres of active oil and gas leases on the Refuge, including the Swanson River and Soldotna Creek Unit, the Beaver Creek Oil and Gas Unit, and the Birch Hill Oil and Gas Unit. Oil and gas development has resulted in numerous support facilities on the Refuge including roads, well pads, pipelines, and other industrial and residential development. In addition, oil and gas development is a potential source of contamination to water and air resources. A Plan for decommissioning Oil and Gas infrastructure in the Refuge would be consistent with the management direction of the Plan.

*Recommendation.* As a future step down plan, EPA recommends that the USFWS commit to the development of an Oil and Gas Infrastructure Decommissioning Plan for the Kenai National Wildlife Refuge. This plan would ensure that after the active life of oil and gas fields on the Refuge, proper steps would be taken to decommission the facilities and restore the area for future public uses and expansion of wildlife habitat.

### **Tribal Consultation**

The Draft Plan/EIS fails to document the Tribal consultation and coordination process consistent with *Executive Order (E.O. 13175) Consultation and Coordination with Indian Tribal Governments*.

*Recommendation.* The Final Plan/EIS should disclose the Tribal consultation and coordination process by providing a chronology with the dates and locations of meetings with tribal governments, results of the meetings, and a discussion of how the tribal governments' input was used to develop the EIS

development phase. This process is an opportunity to gather traditional ecological knowledge (TEK) about local subsistence use and harvest, cultural resources, and migration patterns of subsistence resources in the planning area.

*Recommendation.* The USFWS should develop a Tribal Government-to-Government Consultation Plan to outline a framework for working effectively with tribal governments in setting the management direction for the Refuge. A Tribal Government-to-Government Plan would be useful in determining the best timing for conducting the consultation meetings which will not conflict with Alaska Native subsistence seasons. We recommend that such a plan be developed in collaboration with interested tribal governments.

## **Environmental Justice**

The Draft Plan/EIS does not describe the efforts taken to meet environmental justice requirements consistent with *E.O. 12898 Federal Actions to Address Environmental Justice in Minority and Low-Income Populations*.

*Recommendation.* The Final Revised Plan should include a detailed EJ analysis, which should include the following:

- A description of the methodology and criteria utilized for identifying low income and people of color communities, if appropriate; the source of data utilized for these analyses, and the references utilized for establishing the criteria.
- An accounting of the impacts on low income or minority communities, including, but not limited to, cumulative and indirect impacts, and impacts to subsistence, cultural, and historic resources. In addition, the EIS needs to determine if the impacts to these communities will be disproportionately higher than those on non-low income or minority communities. For such a determination, the EIS should identify a reference community, provide a justification for utilizing this reference community, and include a discussion of the methodology for selecting the reference community.
- The EIS should demonstrate that communities, if any, bearing disproportionately high and adverse effects, have had the opportunity for meaningful input into the decisions being made about the Plan. The EIS should describe what was done to inform the communities about the project and the potential impacts that it will have on their communities (e.g., notices, mailings, fact sheets, briefings, presentations, exhibits, tours, news releases, newsletters, reports, community interviews, surveys, stakeholder meetings, etc.), what input was received from the communities, and how that input was utilized in the decisions that were made regarding the Plan.